

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALLSTATE INSURANCE COMPANY,
ALLSTATE FIRE & CASUALTY INSURANCE
COMPANY, ALLSTATE INDEMNITY
COMPANY, AND ALLSTATE PROPERTY &
CASUALTY INSURANCE COMPANY,

Petitioners,

-against-

2753 CONEY ISLAND AVENUE CORP.,

Respondent.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 07/16/2020

No. 20-mc-231-VEC

ORDER

WHEREAS currently pending before the Court is Petitioners' motion to compel Respondent 2753 Coney Island Avenue Corp. to comply with a Rule 45 subpoena issued in connection with a pending matter in the Eastern District of New York, or, in the alternative, to transfer this action to the Eastern District of New York, Dkt. 1;

WHEREAS Rule 45(f) allows for a transfer of a subpoena-related motion to the issuing court, Fed. R. Civ. P. 45(f);

WHEREAS the Court must consider the subpoenaed party's interest in local resolution of subpoena-related motions, *see* Fed. R. Civ. P. 45, Advisory Committee Notes;

WHEREAS Petitioners served Respondent with the Rule 45 subpoena on April 13, 2020, Dkt. 3 ¶ 6;

WHEREAS Petitioners served Respondent with the motion papers in this case on June 18, 2020, Dkt. 9;

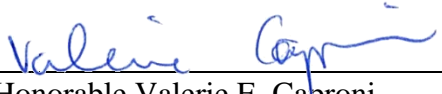
WHEREAS Respondent has failed to appear in this action or otherwise respond to either the subpoena or the motion; and

WHEREAS Respondent is headquartered in the Eastern District of New York, Dkt. 3-6;

IT IS HEREBY ORDERED THAT Petitioners' unopposed motion to transfer this action to the Eastern District of New York is GRANTED. Not only does the issuing court have greater familiarity with the legitimate scope of the subpoena, the Eastern District appears to be a slightly more convenient forum for Respondent, should it ever appear to litigate the dispute. Accordingly, the Court can discern no reason why this action should remain in this district.

The Clerk of Court is respectfully requested to effectuate the transfer immediately, without waiting the seven-day period pursuant to Local Civil Rule 83.1.

So **ORDERED** this 16th day of July 2020.



Honorable Valerie E. Caproni
United States District Judge